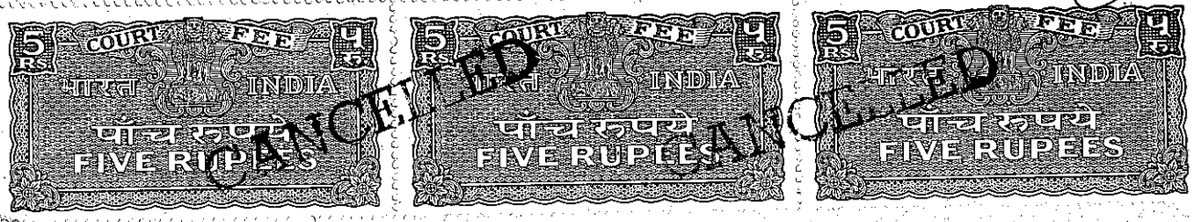


BEFORE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR.

Writ Petition No. 1099 2001

Petitioner - S.S.SHARMA
S/o SHRI SHANKARLAL SHARMA
aged about 45 years,
Additional Superintending Engineer,
Chhattisgarh State Electricity Board
(CSEB)
Kanker Distt. Kanker
(Chhattisgarh)

P. R. No. 1021/2001
Presented by Shri ... Counsel
dated 26.6.2001

Versus.

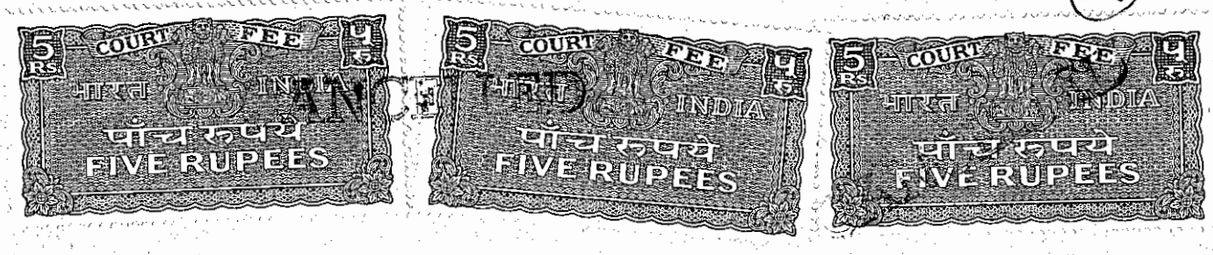
Respondents - 1. Chhattisgarh State Electricity Board
Through - Secretary
Chhattisgarh State Electricity Board,
Dagania Raipur (Chhattisgarh)

2. JOINT sECRETARY (P)
Madhya Pradesh State Electricity
Board Shakti Bhawan Rampur
Jabalpur (M.P.)

3. Shri B.P.Gupta
S/o Shri R.P.Gupta
aged about 45 years
Executive Engineer
Office of S.E. (O&M)
Rajnandgaon (Chhattisgarh)

4. Shri B.K.Nanda
aged about 46 years
Executive Engineer
Office of E.D.(S&P)
Raipur (Chhattisgarh)

5. Shri R.K. Shankar
Executive Engineer
Office of Secretariate Raipur
Chhattisgarh State Electricity Board
Raipur (Chhattisgarh)



6. Shri Phool Singh Yadav
S/o Shri H.K.Yadav
aged about 46 years
Executive Engineer (O&M) Division
Rajnandgaon (Chhattisgarh)

Petition under articles 226/227 of the constitution of India

(150)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1099 of 2001

Petitioner: S.S. Sharma

Versus

Respondents: Chhatisgarh State Electricity Board & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri V. G. Tamaskar, Advocate for the petitioner.
Shri Ashutosh Singh Gaharwar, Advocate for the respondent No. 1.
None for the other respondents.

ORDER

(6th December, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner has filed this petition challenging the order dated 20.12.2000 (Annexure P/7) whereby the charge sheet was issued by the Joint Secretary, Madhya Pradesh State Electricity Board, Jabalpur on the ground that the same is void and vitiated as the competent authority to issue the charge sheet is officers of the Chhattisgarh State Electricity Board and not the officers of the Madhya Pradesh State Electricity Board.

2. Learned counsels appearing for the parties, jointly, submit that in view of the decision of the Supreme Court in the case of **M. P. State Electricity Board v. Union of India & Ors.** { JT 2006 (8) SC 629 }, the Chhattisgarh State Electricity Board came into existence w.e.f. 15.11.2000 and as such, the petitioner's services stood transferred to the Chhattisgarh State Electricity Board and

the present Board alone is competent to take any disciplinary action against the petitioner.

3. In view of the submissions made by learned counsel appearing for the petitioner, as well as, learned counsel appearing for the respondent No.1/Board, this petition is allowed. The impugned order dated 6.10.2000 is set aside. However, the Chhattisgarh State Electricity Board is at liberty to initiate any departmental action against the petitioner, afresh, in accordance with law, if so advised. No order as to cost.

Sd/-
Satish K. Agnihotri
Judge

Thakur